

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ORIGINAL

See PMR
#25 E 660340

CATSKILL MOUNTAINS CHAPTER OF TROUT
UNLIMITED, INC., THEODORE GORDON
FLYFISHERS, INC., CATSKILL-DELAWARE
NATURAL WATER ALLIANCE, INC., FEDERATED
SPORTSMEN'S CLUBS OF ULSTER COUNTY, INC.,
RIVERKEEPER, INC., WATERKEEPER ALLIANCE,
INC., TROUT UNLIMITED, INC., NATIONAL
WILDLIFE FEDERATION, ENVIRONMENT AMERICA,
ENVIRONMENT NEW HAMPSHIRE, ENVIRONMENT
RHODE ISLAND and ENVIRONMENT FLORIDA,

FILED
U.S. DISTRICT COURT
S.D. OF N.Y. 2008
SEP 1 12 57

Plaintiffs,

Civ. 08-5606 (KMK)(GAY)

v.

UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY and STEPHEN L. JOHNSON, in his official
capacity as ADMINISTRATOR OF THE UNITED
STATES ENVIRONMENTAL PROTECTION AGENCY,

**MOTION TO
ADMIT COUNSEL
PRO HAC VICE**

Defendants.

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Pursuant to Rule 1.3(c) of the Local Rules of the United States District Court for the
Southern Districts of New York, I, Daniel E. Estrin, a member in good standing of the bar of this
Court, hereby move for an Order allowing the admission *pro hac vice* of

Joseph J. Mann
National Environmental Law Center
369 Broadway Street, Suite 200
San Francisco, CA 94133
(415) 622-0086 x306 (tel)
(415) 622-0016 (fax)
jmann@nelconline.org

Joseph J. Mann is a member in good standing of the bars of the States of California (active) and Massachusetts (inactive). There are no pending disciplinary proceedings against Joseph Mann in any State or Federal court.

Submitted herewith in support of this motion are the following:

- Affidavit of Daniel E. Estrin in Support of Motion to Admit Counsel *Pro Hac Vice*;
- Declaration of Joseph J. Mann in Support of Motion to Admit Counsel *Pro Hac Vice* (with Appended Certificates of Good Standing);
- Proposed Order for Admission *Pro Hac Vice* on Written Motion; and
- Proof of Service.

Respectfully submitted this 29th day of August, 2008,



Daniel E. Estrin (DE3085)
Pace Environmental Litigation Clinic, Inc.
78 North Broadway
White Plains, NY 10603
(914) 422-4343 (tel)
(914) 422-4347 (fax)

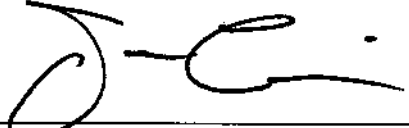
Attorneys for Plaintiffs Catskill Mountains Chapter of Trout Unlimited, Inc., Theodore Gordon Flyfishers, Inc., Catskill-Delaware Natural Water Alliance, Inc., Federated Sportsmen's Clubs Of Ulster County, Inc., Riverkeeper, Inc., Waterkeeper Alliance, Inc. and Trout Unlimited, Inc.

ORIGINAL

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of August, 2008, a true and correct copy of the foregoing MOTION TO ADMIT COUNSEL *PRO HAC VICE*, together with the accompanying AFFIDAVIT OF DANIEL E. ESTRIN IN SUPPORT OF MOTION TO ADMIT COUNSEL *PRO HAC VICE*, the DECLARATION OF JOSEPH J. MANN IN SUPPORT OF MOTION TO ADMIT COUNSEL *PRO HAC VICE*, and the proposed ORDER FOR ADMISSION *PRO HAC VICE* ON WRITTEN MOTION, were served by first-class mail upon counsel for the defendants at the following address:

Sarah E. Light, Esq.
Assistant United States Attorney
United States Attorney's Office
Environmental Protection Unit
86 Chambers Street
New York, New York, 10007

 8/29/2008

Daniel E. Estrin
Pace Environmental Litigation Clinic, Inc.
78 North Broadway
White Plains, New York 10603
914.422.4343 (tel)
914.422.4437 (fax)

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ENVIRONMENT NEW HAMPSHIRE, ENVIRONMENT
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Defendants.

-----X

Civ. No. 08-5606 (KMK)

**DECLARATION OF
JOSEPH J. MANN
IN SUPPORT OF
MOTION TO
ADMIT COUNSEL
PRO HAC VICE**

I, Joseph J. Mann, being first duly sworn do hereby state as follows:

1. I am an attorney with the National Environmental Law Center, counsel for Plaintiffs Environment America, Environment New Hampshire, Environment Rhode Island, and Environment Florida in the above captioned action. I make this declaration in support of Plaintiffs' motion to admit me as counsel *pro hac vice* in this matter. All facts and statements in this document are within my personal knowledge.

2. On August 1, 2008, I requested a Certificate of Good Standing from the State Bar of California, of which I am an active member. On August 8, 2008, I traveled to the offices of the State Bar of California and received in person such a Certificate of Good Standing, along

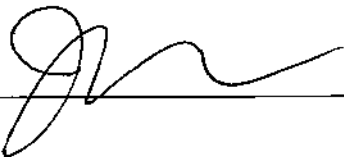
with a cover letter thereon. Attached hereto as Exhibit A is the original of that certificate and cover letter.

3. On August 1, 2008, I requested a Certificate of Good Standing from the State Bar of Massachusetts, of which I am an inactive member. On August 7, 2008, via the U.S. mail, I received from the offices of the State Bar of Massachusetts such a Certificate of Good Standing, along with a cover letter thereon. Attached hereto as Exhibit B is the original of that certificate and cover letter.

4. I note that the certificate from the State Bar of Massachusetts (Exhibit B) indicates that it was signed and sealed on July 10, 2008, which is more than 30 days from the present date. See generally S.D.N.Y. L.R. 1.3(c) (requiring submission of "a certificate of the court for each of the states in which the applicant is a member of the bar, which has been issued within thirty (30) days and states that the applicant is a member in good standing of the bar of that state court."). Since I did not request that certificate until August 1, 2008, however, it could not possibly have been issued on July 10, 2008. Rather, the certificate was issued sometime between August 1 and August 7, 2008, which is within 30 days from the present date.

I declare under penalty of perjury that the foregoing is true and correct.

August 27, 2008

A handwritten signature in black ink, consisting of a stylized 'J' followed by a series of loops and a long horizontal stroke, positioned above a solid horizontal line.



THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

August 7, 2008

TO WHOM IT MAY CONCERN:

In accordance with your request, please find enclosed the form of certificate you require.

If this certificate includes disciplinary matters, and if you want additional information concerning that discipline, you may request copies of those records from the State Bar Court in our Los Angeles office. Call 213-765-1418 for further information.

* Please note that effective October 2005, the request for 5 certificates has changed; for a fee of \$25, you may request a maximum of three (3) certificates per member.

RECORDS DEPARTMENT

KL:knh
Enclosure



THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

August 7, 2008

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, JOSEPH JOHN MANN, #207968 was admitted to the practice of law in this state by the Supreme Court of California on July 6, 2000; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Kath Lambert", is written over a horizontal line.

Kath Lambert
Custodian of Membership Records



MAURA S. DOYLE
CLERK

The Commonwealth of Massachusetts
SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
JOHN ADAMS COURTHOUSE
ONE PEMBERTON SQUARE, SUITE 1300
BOSTON, MASSACHUSETTS 02108-1707

WWW.SJCCOUNTYCLERK.COM

August 5, 2008

CASE INFORMATION (617) 557-1100
FACSIMILE (617) 557-1117

ATTORNEY SERVICES (617) 557-1050
FACSIMILE (617) 557-1055

Joseph J. Mann
109 Forest Hills St., #3
Jamaica Plain, MA 02130

IN RE: CERTIFICATE OF ADMISSION AND GOOD STANDING

Joseph J. Mann:

Enclosed please find the Certificate of admission and good standing which you have recently requested from this office. This certificate attests to your date of admission and good standing at the Bar of the Commonwealth of Massachusetts.

If you have any questions or if this office can be of further assistance, please do not hesitate to contact us at 617-557-1050 or visit our web site at www.sjccountyclerk.com.

Very truly yours,

A handwritten signature in black ink, appearing to read "Maura S. Doyle".

MAURA S. DOYLE
Clerk
Supreme Judicial Court

MSD/ces
CL Received: August 5, 2008
enclosure

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

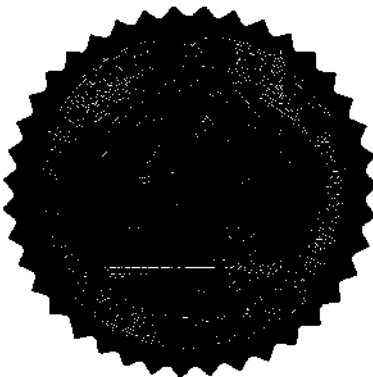
BE IT REMEMBERED, that at the Supreme Judicial Court holden at Boston within and for said County of Suffolk, on the second day of June A.D. 2003, said Court being the highest Court of Record in said Commonwealth:

Joseph J. Mann

being found duly qualified in that behalf, and having taken and subscribed the oaths required by law, was admitted to practice as an Attorney, and, by virtue thereof, as a Counsellor at Law, in any of the Courts of the said Commonwealth: that said Attorney is at present a member of the Bar, and is in good standing according to the records of this Court*.

In testimony whereof, I have hereunto set my hand and affixed the seal of said Court, this tenth day of July

in the year of our Lord two thousand and eight.




MAURA S. DOYLE, Clerk

* Records of private discipline, if any, such as a private reprimand imposed by the Board of Bar Overseers or by any court, are not covered by this certification.

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Defendants.
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Civ. 08-5606 (KMK)(GAY)

**AFFIDAVIT OF
DANIEL E. ESTRIN
IN SUPPORT OF
MOTION TO
ADMIT COUNSEL
PRO HAC VICE**

Daniel E. Estrin, being duly sworn, hereby deposes and says as follows:

1. I am the Supervising Attorney at the Pace Environmental Litigation Clinic and counsel for Plaintiffs Catskill Mountains Chapter of Trout Unlimited, Inc., Theodore Gordon Flyfishers, Inc., Catskill-Delaware Natural Water Alliance, Inc., Federated Sportsmen's Clubs Of Ulster County, Inc., Riverkeeper, Inc., Waterkeeper Alliance, Inc. and Trout Unlimited, Inc. in the above captioned action. I am familiar with the proceedings in this case. I make this Affidavit based on my personal knowledge of the facts set forth herein and in support of Plaintiffs' motion to admit Joseph J. Mann as counsel *pro hac vice* to represent Plaintiffs

Environment America, Environment New Hampshire, Environment Rhode Island, and Environment Florida in this matter.

2. I am admitted to practice in the States of New York and New Jersey, as well as before the Supreme Court of the United States, the United States Courts of Appeals for the Second, Sixth and Eleventh Circuits, and the United States District Courts for the Southern, Eastern and Northern Districts of New York and the District of New Jersey. I am a member in good standing of all of these courts.

3. I have known Joseph J. Mann since 2007.

4. Mr. Mann is a Staff Attorney at the National Environmental Law Center in San Francisco, California.

5. I have found Mr. Mann to be a skilled attorney and a person of integrity. He is experienced in federal practice and is familiar with the Federal Rules of Civil Procedure and the Federal Rules of Evidence.

6. Accordingly, I am pleased to move the admission of Joseph J. Mann, *pro hac vice*.

7. I respectfully submit herewith a proposed order granting the admission of Joseph J. Mann, *pro hac vice*, which is attached hereto as Exhibit A.

WHEREFORE it is respectfully requested that the motion to admit Joseph J. Mann, *pro hac vice*, to represent Plaintiffs Environment America, Environment New Hampshire, Environment Rhode Island and Environment Florida in the above captioned matter, be granted.


Daniel E. Estrin (DE3085)

Sworn to before me this
29th day of August, 2008.


Notary Public

JENNIFER A. RUHLE
Notary Public, State of New York
No. 01RU6163738
Qualified in Westchester County
Commission Expires April 02, 2011